

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CRAIG GOULET

Plaintiff,

v.

NEW PENN MOTOR EXPRESS

Defendant

and

TEAMSTERS LOCAL 25

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS**

Defendant,

**CIVIL ACTION
NO. 04-12577-JLT**

**MOTION FOR A PROTECTIVE ORDER
PURSUANT TO RULE 26(c)(1)**

The Defendant, Teamsters Local 25, moves for a protective order pursuant to F.R.Civ. P. R. 26 (c)(1) for a protective order that the discovery sought by the Plaintiff by interrogatories or by Rule 30(B)(6) deposition not be allowed as both discovery requests are beyond the scope of discovery permitted by the Court's Order of April 19, 2005, and the request for interrogatories exceeds the number of permissible interrogatories.

The Defendant, Teamsters Local 25, believes that good cause exists to grant a Protective Order for the following reasons:

1. Local 25 has made a good faith effort to confer with other parties to resolve the dispute without court action, but could not reach a mutually acceptable agreement;
2. Kathleen A. Pennini, attorney for Local 25, and Scott Lathrop, attorney for the Plaintiff, attended a scheduling conference on April 19, 2005 concerning the above-referenced matter;

3. At the scheduling conference, the Plaintiff requested permission to serve a set of interrogatories upon the Defendants despite the Court's reluctance to allow for such interrogatories;
4. At the scheduling conference, the parties had the opportunity to inform the Court of the identify of the person(s) or entities that it wished to depose;
5. At the scheduling conference, the Plaintiff name Local 25, as a labor organization, among the entities or person(s) that it wished to depose;
6. By order dated April 19, 2005, the Court delineated the people that may be deposed by the parties and granted the Plaintiff the permission to "serve the interrogatories discussed in open court;" A true copy of the April 19, 2005 order is attached hereto as Exhibit A.
7. The April 19, 2005 order also stated that "[n]o further discovery will be permitted without leave of this court;"
8. The Plaintiff served a set of interrogatories on the Defendant, Local 25 on or after May 12, 2005;
9. The Plaintiff's first set of interrogatories to Local 25 exceeded more than 25 in number, including all discrete subparts;
10. The Plaintiff served a second set of interrogatories upon Local 25 on or after September 9, 2005; A copy of the Plaintiff's Second Set of Interrogatories is attached hereto as Exhibit B.
11. The Plaintiff served a Notice of Deposition for a Rule 30(b)(6) deposition on or after September 9, 2005; A copy of the Notice of Deposition is attached hereto as ExhibitC.
12. The service of a second set of interrogatories to Local 25 is beyond the scope of the interrogatories that were allowed by the Order of April 19, 2005;

13. The service of a second set of interrogatories, containing two (2) additional interrogatories exceeds the number of interrogatories permitted by F.R.Civ.P. 33(a);

14. The Notice of the Rule 30(b)(6) deposition is beyond the scope of the depositions allowed by the Order of April 19, 2005;

15. The Plaintiff did not seek leave of court prior to serving the second set of interrogatories or the notice of Rule 30(b)(6) deposition upon the Defendant.

For the foregoing reasons, the Defendant, Local 25, requests that the Court grant a protective order pursuant to F.R.Civ.P. Rule 26(c)(1) and order that the discovery not be had.

Respectfully submitted,
Defendant,
**International Brotherhood of
Teamsters, Local 25**
By its attorneys,

/s/ Kathleen A. Pennini
Matthew E. Dwyer (BBO# 139840)
Kathleen A. Pennini
(B.B.O.# 654573)
Dwyer, Duddy and Facklam
Attorneys at Law, P.C.
Two Center Plaza, Suite 430
Boston, MA 02108
617-723-9777

Date: October 7, 2005

CERTIFICATE OF SERVICE

I, Kathleen A. Pennini, hereby certify that I sent a copy of the foregoing document with attachments, via first-class mail, to:

Scott Lathrop, Esq.
Scott A. Lathrop & Associates
122 Old Ayer Road
Groton, MA 01450

Carl H. Gluek, Esq.
Frantz Ward, LLP
2500 Key Center
127 Public Square
Cleveland, Ohio, 44114-1230

Dated: October 7, 2005

/s/ Kathleen A. Pennini
Kathleen A. Pennini

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRAIG GOULET,

Plaintiff,

v.

NEW PENN MOTOR EXPRESS, INC.,
and TEAMSTERS LOCAL 25,
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,

Defendants.

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Civil Action No. 04-12577-JLT

ORDER

April 19, 2005

TAURO, J.

After the Scheduling Conference held on April 19, 2005, this court hereby orders that:

1. The Parties may depose (1) Mark Harrington, (2) William H. Carnes, (3) Doug Francey, (4) John A. Murphy, (5) R.L. Schaeffer, (6) Ronald Jenkins, (7) Paul Dubiel, (8) D.W. Schmidt, (9) Charles Zaccaria, and (10) Craig Goulet;
2. Plaintiff may serve the interrogatories discussed in open court;
3. The abovementioned depositions and interrogatories shall be completed by October 31, 2005;
4. No further discovery will be permitted without leave of this court; and
5. A Further Conference is scheduled for November 8, 2005 at 10:00 a.m.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12577 JLT

CRAIG GOULET,
Plaintiff

v.

NEW PENN MOTOR EXPRESS, INC., and
TEAMSTERS LOCAL 25,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS,
Defendants

PLAINTIFF'S SECOND SET OF INTERROGATORIES
TO DEFENDANT TEAMSTERS LOCAL 25

The plaintiff Craig Goulet pursuant to Rule 33 of the Rules of Civil Procedure requests answers of the defendant Teamsters Local 25 within 30 days after service of the following interrogatories:

DEFINITIONS

1. BACK-UP TAPES. The term "back-up tapes" means magnetic tape storage or archiving of electronic information ordinarily contained on a computer system.
2. CONCERNING. The term "concerning" means referring to, describing, evidencing, or constituting
3. COMMUNICATION. The term "communication" means the transmittal of information

(in the form of facts, ideas, inquiries, or otherwise.).

4. COMPUTER or COMPUTER EQUIPMENT. The term “computer” or “computer equipment” means all data processing equipment, including but not limited to, central processing units, tape drives, drum and disk storage devices, control units, input devices, and output devices; all unit record equipment, including but not limited to accumulators, calculators, and sorters; all record storage and retrieval equipment, including but not limited to microfilm storage and retrieval apparatus and audio/visual storage and retrieval apparatus.

5. COMPUTER APPLICATION. The term “computer application” means a program that performs a specific task or function, including e-mail messaging, word processing or spread sheets.

6. COMPUTER LOG. The term “computer log” means computer system usage records, such as a listing of electronically stored information and may include title, subject matter or first line of the document information and the date of the document.

7. COMPUTER PROGRAM. The term “computer program” means a set of instructions or steps, usually in symbolic form, that generates machine instructions and tells the computer how to handle a problem or sort information.

8. COMPUTER SYSTEM. The term “computer system” means an assembly of computer operations and procedures, persons, equipment and hardware and software, united by some form of regulated interaction to form an organized whole.

9. COMPUTER SYSTEM MEDIA. The term “computer system media” means the type of material used for storage of electronic information and includes floppy discs, hard drives and magnetic tapes.

10. DOCUMENT. The term "document" is defined to be synonymous in meaning and equal

in scope to the usage of this term in Rule 34 of the Rules of Civil Procedure. A draft or a non-identical copy is a separate document within the meaning of this term.

11. E-MAIL. The term "e-mail" means an electronic messaging application that provides for the receipt and sending of messages among users of a computer system and possibly to and from remote users.

12. IDENTIFY (With Respect to Persons). When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, home telephone number, business telephone number, and, when referring to a natural person, the present or last known place of employment.

13. IDENTIFY (With Respect to Documents). When referring to documents, "to identify" means to give, to the extent known, the

- (a) type of document;
- (b) general subject matter;
- (c) date of the document; and
- (d) author(s), addresses(s), and recipient(s).

14. OPERATING SYSTEM. The term "operating system" means an organized collection of programs for operating a computer, usually part of a software package defined to simplify housekeeping, such as input/output procedures, sort merge generators, etc.

15. PARTIES. The terms "plaintiff" and "defendant" as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates.

16. PERSON. The term "person" is defined as any natural person or any business, legal, or

governmental entity or association.

17. PURGE. The term “purge” means to periodically or randomly delete or take off of the computer system e-mail messages and transfer this information to back-up tapes to restore or make usable computer memory.

18. STATE THE BASIS. When an interrogatory calls upon a party to "state the basis" of or for a particular claim, assertion, allegation, or contention, the party shall:

- (a) identify each and every document (and, where pertinent, the section, article, or subparagraph thereof), which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;
- (b) identify each and every communication which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;
- (c) state separately the acts or omissions to act on the party of any person (identifying the acts or omissions to act by stating their nature, time and place and identifying the persons involved) which form any part of the party's information regarding the alleged facts or legal conclusions referred to in the interrogatory; and
- (d) state separately any other fact which forms the basis of the party's information regarding the alleged facts or conclusions referred to in the interrogatory.

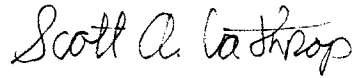
19. USER. The term “user” means a person who has access to a computer or in any manner uses or directs another to use any information stored in or generated by a computer.

INTERROGATORIES

26. Attached as Exhibit 1 hereto is a Dracut Seniority List. With regard to this document, please:
- a. Identify who prepared this Seniority List;
 - b. State when this Seniority List was prepared;
 - c. State the purpose for which this Seniority List was prepared;
 - d. Identify to whom this Seniority List was distributed or provided; and
 - e. Identify the person(s) whose handwriting appears under the Column "Preference 1" and "Preference 2."
27. Attached as Exhibit 2 hereto is a list of Canton employees. With regard to this document, please:
- f. Identify who prepared this document;
 - g. State when this document was prepared;
 - h. State the purpose for which this document was prepared; and
 - i. Identify to whom this document was distributed or provided.

Craig Goulet

By his attorney



Scott A. Lathrop, Esq.
Scott A. Lathrop & Associates
122 Old Ayer Road
Groton, MA 01450
(978) 448-8234
BBO No. 287820

Dated: September 9, 2005

Certificate of Service

I, Scott A. Lathrop, hereby certify that I have served the foregoing Interrogatories on the defendants by mailing this day a copy to the last known address of their Attorneys of Record.



Scott A. Lathrop

Dated: September 9, 2005

EXHIBIT 1

02/20/02 WED 15:54 FAX 2424284

TEAMSTERS

002

Dracut Seniority List

New Penn Terminal Preferences

Number	Name	Seniority Date	Preference 1	Preference 2
17-443-69 04 1	McGonigle, H.	05/28/1976	Billerica	
17-667-21 22 2	Adams, W.	05/16/1977	Billerica	
17-750-065 3	Sullivan, Jr. J. 781 9388	02/21/1979	Billerica	
508-975-41 33 4	Mooney, A.	05/01/1985	Billerica	
508-683-35 20 5	Johnson, R.	09/02/1993	Billerica	
08-988-01 60 6	Murray, S.	10/02/1993	Billerica	
508-922-40 487	Martin, D.	10/23/1993	Billerica	Springfield
508-975-04 17 8	Partridge, G.	10/24/1993	Billerica	Springfield
508-468-56 25 9	Lorizio, V.	08/30/1994	Billerica	Springfield Burlington VT.
03-679-84 97 10	Thibeault, R.	01/17/1996	Billerica	
03-382-06 20 11	Shepard, G.	01/30/1996	Billerica	
03-437-51 28 12	Roddy, J.	02/12/1997	Billerica	
178-957-78 66 13	Jussame, M.	02/14/1997	Billerica	
03-881-74 31 14	Guerrette, M.	02/21/1997	Compensation	Workmen
03-898-135 1 15	Johnson, C.	10/01/1997	Billerica	Springfield
03-668-04 84 16	Comire, H.	10/07/1997	Billerica	
08-689-19 24 17	Racoppa, R.	10/14/1997	Billerica	Springfield
78-663-67 94 18	Walukiewicz, S.	06/01/1998	Billerica	
03-432-43 27 19	Hussey, R.	10/22/1998	Billerica	Springfield
03-647-54 32 20	Camey, III, R.	10/23/1998	Billerica	
78-685-21 81 21	Michaud, J.	10/26/1998	Billerica	
03-880-82 69 22	Babin, M.	10/30/1998	Billerica	
03-444-68 95 23	Boynton, E.	12/01/1998	Billerica	Burlington VT.
03-772-57 04 24	Small, Jr., C.	09/08/1999	Billerica	
03-429-44 36 25	Guimond, N.	10/01/1999	Billerica	
78-632-31 05 26	Vaughan, M.	10/04/1999	Billerica	Springfield
03-626-78 05 27	Chalifour, P.	10/06/1999	Billerica	
78-486-30 13 28	Tucker, J.	10/18/1999	Billerica	Springfield
03-888-46 49 29	Dion, R.	10/28/1999	Billerica	
4603-537-15 41 30	Amehaut, Jr., R.	08/18/2000	Billerica	
978-685-49 16 31	Morasse, Jr., J.	12/22/2000	Billerica	
03-635-235 32	Levine, J.	08/18/2001	Billerica	

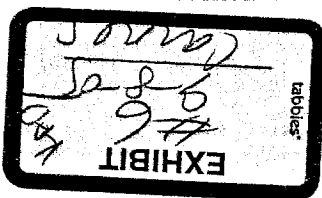
Ex. I

D018

EXHIBIT 2

* CHANGE

1	FAMILY	NAME	ADDRESS	CITY	ST	ZIP	TELEPHONE	SSN	EXP. DATE	PRE.
1	CANTON	Prout, R.	58 Spring St.	Braintree	MA	02184	(781) 848-5305	014-30-5149	11/12/68	Ret.
2	CANTON	Burrill, P.	6 Grl. Woods Cl.	Norton	MA	02766	(508) 285-9452	018-38-0650	6/30/70	Prov.
3	CANTON	McCaffrey, M.	29B Shaw St.	Braintree	MA	02184	(781) 848-9223	028-32-0083	10/7/70	Bill.
4	CANTON	Heroux								
5	CANTON	Mastropietro, R.	215 Forest Trail	Hanson	MA	02311	(781) 447-9455	019-34-5115	6/14/73	Ret.
6	CANTON	Setterland, D.	72 Paul Rd.	Hanover	MA	02339	(781) 871-3525	034-36-9685	11/3/73	Bill.
7	CANTON	Loud, D.	560 Bedford St.	Abington	MA	02351	(781) 871-0416	029-34-8316	1/11/74	Ret.
8	CANTON	Petit, A.	11 Hinson Rd.	Weymouth	MA	02188	(781) 337-3557	034-36-7772	3/11/74	Ret.
9	CANTON	Petit, R.	115 Highland Ave.	Quincy	MA	02169	(617) 471-0098	034-38-9600	9/15/75	Bill.
10	CANTON	Durette, M.	111 Pond St.	Swansea	MA	02777	(508) 674-7683	022-44-2801	9/30/75	Prov.
11	CANTON	Hoyt, H.	23 Garfield St.	Foxboro	MA	02035	(508) 543-2978	025-34-7578	8/17/76	Ret.
12	CANTON	Ellis, R.	1573 Liberty St.	Braintree	MA	02184	(781) 843-1549	033-58-9397	8/27/76	Ret.
13	CANTON	Deramo, M.	31 Washington St.	Sherborn	MA	01770	(508) 652-6086	018-46-8114	2/22/77	Bill.
14	CANTON	Sullivan, T.	17 Hillside Dr.	Plymouth	MA	02360	(508) 224-5584	019-46-7991	10/24/77	Bill.
15	CANTON	Rabideau, R.	P.O. Box 265	Easton	MA	02334	(508) 230-2436	030-30-9491	1/4/78	Prov.
16	CANTON	Kelley, Jr., W.	306 Field St.	Brockton	MA	02403	(508) 583-0861	015-40-7158	3/27/78	Bill.
17	CANTON	Monahan, H.	4 Kathy Ln.	Hanson	MA	02341	(781) 826-2751	015-36-5014	11/14/78	Prov.
18	CANTON	Petit, Jr., E.	633 King St.	Hanover	MA	02339	(781) 871-7648	022-44-6082	4/23/79	Bill.
19	CANTON	Pickering, G.	53 Rosalind St.	N. Weymouth	MA	02188	(781) 337-6278	031-40-9998	8/3/81	Bill.
20	CANTON	Tisbert, B.	17 Marsh Ave.	Salem	NH	03079	(603) 890-6183	031-44-3942	5/17/83	Bill.
21	CANTON	Damiano, J.	22 Bixby Dr.	E Bridgewater	MA	02333	(508) 378-3792	014-52-3224	7/20/83	Prov.
22	CANTON	Gwynn, N.	283 Central St.	E. Bridgewater	MA	02333	(508) 378-0466	031-46-0257	5/14/84	Prov.
23	CANTON	Cardoza, P.	804 Maple St.	Mansfield	MA	02048	(508) 339-5134	020-48-9624	9/24/84	Prov.
24	CANTON	Bouffard, R.	20 E. Nilsson St.	Brockton	MA	02301	(508) 588-6540	015-54-3381	9/30/85	Bill.



* AFTER

* AFTER

25	CANTON	Coull, D	230 State Rd.	Plymouth	MA	02360	(508) 888-6964	021-38-1210	4/6/73	Ret.
26	CANTON	McGee, R.	437 Commonwealth Rd.	Wayland	MA	01778	(508) 653-8174	023-32-9993	5/20/82	Ret.
27	CANTON	Francey, G.	324 Flagg St.	Bridgewater	MA	02324	(508) 697-9620	024-46-6404	10/25/82	Prov.
28	CANTON	Cruise, M.	103 So. Pickens St.	Lakeville	MA	02347	(508) 946-0330	026-44-1817	4/30/84	Prov.
29	CANTON	Power, K.	16 Carver St.	Watertown	MA	02472	(617) 926-5324	020-38-9473	11/15/84	Bil.
30	CANTON	Fennelly, E.	160 Washington St., Unit #68	Plainville	MA	02762	(508) 695-3075	018-42-3810	2/25/85	Prov.
31	CANTON	McGrath, H	1165 Main St.	Walpole	MA	02081	(508) 668-0244	010-38-5912	8/26/85	Prov.
32	CANTON	Bain, S.	28 Poole Ct.	Holbrook	MA	02343	(781) 767-6229	031-54-1053	3/9/87	Bil.
33	CANTON	Holderried, J.	139 Church St.	Westwood	MA	02090	(781) 329-3587	022-30-5547	5/8/89	Bil.
34	CANTON	Howe, T.	127 Everett Ct.	Stoughton	MA	02072	(781) 344-1904	025-56-9122	5/15/89	Prov.
35	CANTON	Howe, S.	53 Bradford St.	Stoughton	MA	02072	(781) 344-3871	026-62-4762	5/31/90	Prov.
36	CANTON	Berry, S	367 Pond St.	So. Weymouth	MA	02190	(781) 335-4217	010-60-3537	5/31/90	Pass
37	CANTON	Sullivan, C.	4 Hadley Rd	Norton	MA	02766	(508) 285-4918	010-56-8107	12/9/91	Bil.
38	CANTON	MacDonald, J.	1 Pebble Path	Forestdale	MA	02644	(508) 477-5324	036-38-2371	12/9/91	Prov.
39	CANTON	Hulbert, M	4 First St.	Mansfield	MA	02048	(508) 339-8545	010-58-1605	12/9/91	Bil.
40	CANTON	O'Meara, W.	75 Chestnut W.	Randolph	MA	02368	(781) 986-8686	022-64-0540	3/1/93	Prov.
41	CANTON	Fontes, M	755 Washington St.	Walpole	MA	02081	(508) 668-5435	030-40-0342	9/3/93	Prov.
42	CANTON	Pimental, J.	36 Brown St.	Fair Haven	MA	02719	(508) 994-5614	019-52-2773	9/8/93	Prov.
43	CANTON	Friel, P.	5 Fall Ln.	Canton	MA	02021	(781) 828-3354	027-72-9016	9/9/93	Prov.
44	CANTON	Lehan, D.	4 South St.	Canton	MA	02021	(781) 828-6595	030-60-7141	9/10/93	Prov.
45	CANTON	Houde, G.	360 Cedar St.	New Bedford	MA	02740	(508) 996-6028	014-48-9398	9/14/93	Prov.
46	CANTON	Roche, J.	3 Buttercup Ln	Medway	MA	02053	(508) 533-7249	018-40-0591	9/16/93	Prov.
47	CANTON	Stephen, J.	29 Jessie Ave.	S. Attleboro	MA	02703	(508) 761-6979	264-86-7645	9/17/93	Prov.
48	CANTON	Carvalho, D.	363 Wareham St.	Middleboro	MA	02346	(508) 947-	024-62-2171	9/18/93	Pass

49	CANTON	Carey, P.	19 Grist Mill Ln.	Pembroke	MA	02359	6163 (781) 829-8773	022-46-3185	10/27/93	Prov.
50	CANTON	Creighton, R.	42 Brooke Ter.	Weymouth	MA	02188	(781) 335-8815	034-36-8176	9/1/94	(Prov.)
51	CANTON	Perry, J.	59 Yellowstone Ave.	Warwick	RI	02886	(401) 463-8145	025-56-3951	9/10/94	Prov.
52	CANTON	Blake, R.	17 Glenfield Rd	N Attleboro	MA	02760	(508) 643-2239	033-64-8446	1/13/95	Prov.
53	CANTON	Kearley, M.	30 Carol St.	Acushnet	MA	02743	(508) 763-4960	028-42-0595	4/4/95	Military
54	CANTON	DeSouza, B.	80 McCabe St.	S. Dartmouth	MA	02748	(508) 763-9680	016-68-8510	4/5/95	Prov.
55	CANTON	Osmer, J.	31 Arlington St. Apt. 3	Nashua	NH	03060	(603) 598-2982	029-64-4926	7/24/95	Bil.
56	CANTON	Dolan, J.	19 Willowdean Ave.	W. Roxbury	MA	02132	(617) 323-2026	029-58-5579	7/25/95	Bil.
57	CANTON	Pendleton, J.	1540 Broadway Lot 23	Raynham	MA	02767	(508) 822-7740	027-58-2474	7/8/96	Bil.
58	CANTON	Gilmore, M.	24 Keith Ave.	Brockton	MA	02301	(508) 588-1327	023-62-7312	9/23/96	Prov.
59	CANTON	Parquette, D.	103 Hart St	Taunton	MA	02780	(508) 823-7150	024-42-6554	9/24/96	Prov.
60	CANTON	Spano, J.	53 W Chestnut St.	Brockton	MA	02301	(508) 559-0189	012-56-5039	10/1/96	Prov.
61	CANTON	Kelley, Jr., R	674 Hancock St	Abington	MA	02351	(781) 982-9328	033-56-3526	3/25/97	Bil.
62	CANTON	Johnson, Jr. R.	186 Wareham St.	Middleboro	MA	02346	(508) 946-1129	023-48-8251	4/15/97	Prov.
63	CANTON	Choiniere, Jr., R	52 Prospect St.	Attleboro	MA	02703	(508) 222-5776	026-54-9388	12/30/98	(Prov.)
64	CANTON	Crawford, H.	4 W. Belcher Rd.	Foxboro	MA	02035	(508) 543-2196	013-30-7278	12/31/98	Ret.
65	CANTON	Clark, D.	7 Garden St.	Randolph	MA	02368	(781) 963-5737	032-30-5866	1/3/99	Ret.
66	CANTON	White, A.	95 Harvard St.	Dedham	MA	02026	(781) 326-4327	011-48-6027	8/26/99	
67	CANTON	Kelleher, T.	239 Winter St.	Brockton	MA	02402	(508) 559-5477	020-60-1827	9/15/99	Prov.
68	CANTON	Winquist, P	21 Dingley Dell Ln	Duxbury	MA	02332	(781) 834-5908	003-30-9912	9/17/99	Prov.
69	CANTON	Gould, D.	9 Boxberry Ln.	Rochester	MA	02770	(508) 763-9521	030-50-7782	9/17/99	Prov.
70	CANTON	Morris, T.	24 Lake St.	Rehoboth.	MA	02769	(508) 336-6919	037-26-9735	10/28/99	Prov.
71	CANTON	Hamilton, D.	8 Uncatena Rd.	W. Wareham	MA	02576	(508) 295-3979	026-50-3548	11/9/99	Prov.

72	CANTON	Kelley, G.	104 Brentwood Cl.	Plymouth	MA	02360	(508) 224-7012	025-46-1306	12/22/99	Bil.
73	CANTON	Wertz, E.	137 Lawrence St.	Brockton	MA	02302	(508) 588-4847	033-66-8661	12/23/99	Prov.
74	CANTON	Palm, W.	89 Lester St.	Brockton	MA	02301	(508) 586-6682	029-64-9293	11/28/00	Prov.
75	CANTON	Zutaut, Jr. B.	365 Grance Pk.	Bridgewater	MA	02324	(508) 284-3796	032-54-667	12/4/00	Bil.

EXHIBIT C

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12577 JLT

CRAIG GOULET,
Plaintiff

v.

NEW PENN MOTOR EXPRESS, INC., and
TEAMSTERS LOCAL 25,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS,
Defendants

NOTICE OF TAKING DEPOSITION

Please take notice that at 10:00 a.m. on Thursday, September 29, 2005, at the office of Scott A. Lathrop, 122 Old Ayer Road, Groton, Massachusetts, the attorney for the plaintiff in this action will take the deposition upon oral examination defendant Teamsters Local 25 pursuant to Rule 30(b)(6) before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. This deposition will continue from day to day until completed.

Defendant will be examined on the following matters:

1. The preparation of the document attached hereto as Exhibit 1 (Dracut Seniority List);
2. The preparation of the document attached hereto as Exhibit 2 (Canton employee list).

Defendant is further requested to choose one or more of its proper employees, officers, agents or other persons duly authorized to testify on its behalf.

You are invited to attend and cross-examine.

Craig Goulet
By his attorney



Scott A. Lathrop, Esq.
Scott A. Lathrop & Associates
122 Old Ayer Road
Groton, MA 01450
(978) 448-8234
BBO No. 287820

Dated: September 9, 2005

Certificate of Service

I, Scott A. Lathrop, hereby certify that I have served the foregoing Notice on the defendants by mailing this day a copy to the last known address of their Attorneys of Record.



Scott A. Lathrop

Dated: September 9, 2005

EXHIBIT 1

02/20/02 WED 15:54 FAX 2424284

TEAMSTERS

002

Dracut Seniority List

NewPenn Terminal Preferences

	Number	Name	Seniority Date	Preference 1	Preference 2
117-443-69	04 1	McGonigle, H.	05/28/1976	Bitterroot	
17-667-2122	2	Adams, W.	05/16/1977	Bitterroot	
77-55863	3	Sullivan, Jr. J. 781 9388	02/21/1979	Bitterroot	
508-975-41	33 4	Mooney, A.	05/01/1985	Bitterroot	
508-683-35	20 5	Johnson, R.	09/02/1993	Bitterroot	
08-988-01	60 6	Murray, S.	10/02/1993	Bitterroot	
508-922-4	0487	Martin, D.	10/23/1993	Bitterroot	Springfield
508-975-04	17 8	Partridge, G.	10/24/1993	Bitterroot	Springfield
508-468-5	625 9	Lorizio, V.	09/30/1994	Bitterroot	Springfield Burlington
03-679-84	97 10	Thibeault, R.	01/17/1996	Bitterroot	
03-382-06	20 11	Shepard, G.	01/30/1996	Bitterroot	
03-437-51	28 12	Roddy, J.	02/12/1997	Bitterroot	
178-957-786	6 13	Jussame, M.	02/14/1997	Bitterroot	
03-881-74	31 14	Guerrette, M.	02/21/1997	Compensation	Workmen
03-898-135	1 15	Johnson, C.	10/01/1997	Bitterroot	Springfield
03-668-04	84 16	Comire, H.	10/07/1997	Bitterroot	
08-689-19	24 17	Racoppi, R.	10/14/1997	Bitterroot	Springfield
78-663-67	94 18	Walukewicz, S.	06/01/1998	Bitterroot	
03-432-43	27 19	Hussey, R.	10/22/1998	Bitterroot	Springfield
03-647-54	32 20	Camey, III, R.	10/23/1998	Bitterroot	
78-685-218	1 21	Michaud, J.	10/26/1998	Bitterroot	
03-880-826	9 22	Babin, M.	10/30/1998	Bitterroot	
0444-68	95 23	Boynton, E.	12/01/1998	Bitterroot	Burlington VT.
03-772-57	04 24	Small, Jr., C.	09/08/1999	Bitterroot	
03-729-44	36 25	Guimond, N.	10/01/1999	Bitterroot	
78-632-31	05 26	Vaughan, M.	10/04/1999	Bitterroot	Springfield
03-626-78	05 27	Chalifour, P.	10/05/1999	Bitterroot	
78-486-30	13 28	Tucker, J.	10/18/1999	Bitterroot	Springfield
03-888-46	49 29	Dion, R.	10/28/1999	Bitterroot	
4603-537-15	41 30	Antenault, Jr., R.	08/18/2000	Bitterroot	
978-685-49	16 31	Morasse, Jr., J.	12/22/2000	Bitterroot	
03-635-235	32	Levine, J.	08/18/2001	Bitterroot	

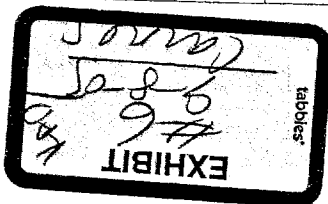
Ex.1

D018

EXHIBIT 2

* CHANGE

1	CANTON	NAME	ADDRESS	CITY	ST	ZIP	TELEPHONE	SSN	RECEIVED DATE	PRE.
1	CANTON	Prout, R.	58 Spring St	Braintree	MA	02184	(781) 848-5305	014-30-5149	11/12/68	Ret.
2	CANTON	Burrill, P.	6 Grl. Woods Cl.	Norton	MA	02766	(508) 285-9452	018-38-0650	6/30/70	Prov.
3	CANTON	McCaffrey, M.	29B Shaw St.	Braintree	MA	02184	(781) 848-9223	028-32-0083	10/7/70	Bill.
4	CANTON	Heroux								
5	CANTON	Mastropietro, R.	215 Forest Trail	Hanson	MA	02311	(781) 447-9455	019-34-5115	6/14/73	Ret.
6	CANTON	Setterland, D.	72 Paul Rd.	Hanover	MA	02339	(781) 871-3525	034-36-9685	11/3/73	Bill.
7	CANTON	Loud, D.	560 Bedford St.	Abington	MA	02351	(781) 871-0416	029-34-8316	1/11/74	Ret.
8	CANTON	Petit, A.	11 Hinson Rd.	Weymouth	MA	02188	(781) 337-3557	034-36-7772	3/11/74	Ret.
9	CANTON	Petit, R.	115 Highland Ave.	Quincy	MA	02169	(617) 471-0098	034-38-9600	9/15/75	Bill.
10	CANTON	Durette, M.	111 Pond St	Swansea	MA	02777	(508) 674-7683	022-44-2801	9/30/75	Prov.
11	CANTON	Hoyt, H.	23 Garfield St.	Foxboro	MA	02035	(508) 543-2978	025-34-7578	8/17/76	Ret.
12	CANTON	Ellis, R.	1573 Liberty St.	Braintree	MA	02184	(781) 843-1549	033-58-9397	8/27/76	Ret.
13	CANTON	Deramo, M.	31 Washington St.	Sherborn	MA	01770	(508) 652-5086	018-46-9114	2/22/77	Bill.
14	CANTON	Sullivan, T.	17 Hillside Dr.	Plymouth	MA	02360	(508) 224-5584	019-46-7991	10/24/77	Bill.
15	CANTON	Rabideau, R.	P.O. Box 265	Easton	MA	02334	(508) 230-2436	030-30-9491	1/4/78	Prov.
16	CANTON	Kelley, Jr., W.	306 Field St.	Brockton	MA	02403	(508) 583-0861	015-40-7158	3/27/78	Bill.
17	CANTON	Monahan, H.	4 Kathy Ln.	Hanson	MA	02341	(781) 826-2751	015-36-5014	11/14/78	Prov.
18	CANTON	Petit, Jr., E.	633 King St.	Hanover	MA	02339	(781) 871-7648	022-44-6082	4/23/79	Bill.
19	CANTON	Pickering, G.	53 Rosalind St.	N. Weymouth	MA	02188	(781) 337-6278	031-40-9998	8/3/81	Bill.
20	CANTON	Tisbert, B.	17 Marsh Ave.	Salem	NH	03079	(603) 890-6183	031-44-3942	5/17/83	Bill.
21	CANTON	Damiano, J.	22 Bixby Dr.	E Bridgewater	MA	02333	(508) 378-3792	014-52-3224	7/20/83	Prov.
22	CANTON	Gwynn, N.	283 Central St.	E. Bridgewater	MA	02333	(508) 378-0466	031-46-0257	5/14/84	Prov.
23	CANTON	Cardoza, P.	804 Maple St.	Mansfield	MA	02048	(508) 339-5134	020-48-9624	9/24/84	Prov.
24	CANTON	Bouffard, R.	20 E Nilsson St.	Brockton	MA	02301	(508) 588-6540	015-54-3381	9/30/85	Bill.



25	CANTON	Coull, D	230 State Rd.	Plymouth	MA	02360	(508) 888-6964	021-38-1210	4/6/73	Ret.
26	CANTON	McGee, R.	437 Commonwealth Rd.	Wayland	MA	01778	(508) 653-8174	023-32-9993	5/20/82	Ret.
27	CANTON	Francey, G.	324 Flagg St.	Bridgewater	MA	02324	(508) 697-9620	024-46-6404	10/25/82	Prov.
28	CANTON	Cruise, M.	103 So. Pickens St.	Lakeville	MA	02347	(508) 946-0330	026-44-1817	4/30/84	Prov.
29	CANTON	Power, K.	16 Carver St.	Watertown	MA	02472	(617) 926-5324	020-38-9473	11/15/84	Bil.
30	CANTON	Fennelly, E.	160 Washington St., Unit #68	Plainville	MA	02762	(508) 695-3075	018-42-3810	2/25/85	Prov.
31	CANTON	McGrath, H	1165 Main St.	Walpole	MA	02081	(508) 668-0244	010-38-5912	8/26/85	Prov.
32	CANTON	Bain, S.	28 Poole Cl.	Holbrook	MA	02343	(781) 767-6229	031-54-1053	3/9/87	Bil.
33	CANTON	Holderried, J.	139 Church St.	Westwood	MA	02090	(781) 329-3587	022-30-5547	5/8/89	Bil.
34	CANTON	Howe, T.	127 Everett Cl.	Stoughton	MA	02072	(781) 344-1904	025-56-9122	5/15/89	Prov.
35	CANTON	Howe, S.	53 Bradford St.	Stoughton	MA	02072	(781) 344-3871	026-62-4762	5/31/90	Prov.
36	CANTON	Berry, S	367 Pond St.	So. Weymouth	MA	02190	(781) 335-4217	010-60-3537	5/31/90	Pass
37	CANTON	Sullivan, C.	4 Hadley Rd	Norton	MA	02766	(508) 285-4918	010-56-8107	12/9/91	Bil.
38	CANTON	MacDonald, J	1 Pebble Path	Forestdale	MA	02644	(508) 477-5324	036-38-2371	12/9/91	Prov.
39	CANTON	Hulbert, M.	4 First St.	Mansfield	MA	02048	(508) 339-8545	010-58-1605	12/9/91	Bil.
40	CANTON	O'Meara, W.	75 Chestnut W.	Randolph	MA	02368	(781) 986-8686	022-64-0540	3/1/93	Prov.
41	CANTON	Fontes, M	755 Washington St.	Walpole	MA	02081	(508) 668-5435	030-40-0342	9/3/93	Prov.
42	CANTON	Pimental, J.	36 Brown St.	Fair Haven	MA	02719	(508) 994-5614	019-52-2773	9/8/93	Prov.
43	CANTON	Friel, P.	5 Fall Ln.	Canton	MA	02021	(781) 828-3354	027-72-9016	9/9/93	Prov.
44	CANTON	Lehan, D.	4 South St.	Canton	MA	02021	(781) 828-6595	030-60-7141	9/10/93	Prov.
45	CANTON	Houde, G.	360 Cedar St.	New Bedford	MA	02740	(508) 996-6028	014-48-9398	9/14/93	Prov.
46	CANTON	Roche, J.	3 Buttercup Ln.	Medway	MA	02053	(508) 533-7249	018-40-0591	9/16/93	Prov.
47	CANTON	Stephen, J.	29 Jessie Ave.	S. Attleboro	MA	02703	(508) 761-6979	264-86-7645	9/17/93	Prov.
48	CANTON	Carvalho, D.	363 Wareham St.	Middleboro	MA	02346	(508) 947-	024-62-2171	9/18/93	Pass

49	CANTON	Carey, P.	19 Grist Mill Ln.	Pembroke	MA	02359	6163 (781) 829-8773	022-46-3185	10/27/93	Prov.
50	CANTON	Creighton, R.	42 Brooke Ter.	Weymouth	MA	02188	(781) 335-8815	034-36-8176	9/1/94	(Prov.)
51	CANTON	Perry, J.	59 Yellowstone Ave.	Warwick	RI	02886	(401) 463-8145	025-56-3951	9/10/94	Prov.
52	CANTON	Blake, R.	17 Glenfield Rd.	N Attleboro	MA	02760	(508) 643-2239	033-64-8446	1/13/95	Prov.
53	CANTON	Kearley, M.	30 Carol St.	Acushnet	MA	02743	(508) 763-4960	028-42-0595	4/4/95	Militar y
54	CANTON	DeSouza, B.	80 McCabe St	S. Dartmouth	MA	02748	(508) 763-9680	016-68-8510	4/5/95	Prov.
55	CANTON	Osmer, J.	31 Arlington St. Apt. 3	Nashua	NH	03060	(603) 598-2982	029-64-4926	7/24/95	Bil.
56	CANTON	Dolan, J.	19 Willowdean Ave.	W. Roxbury	MA	02132	(617) 323-2026	029-58-5579	7/25/95	Bil.
57	CANTON	Pendleton, J.	1540 Broadway Lot 23	Raynham	MA	02767	(508) 822-7740	027-58-2474	7/8/96	Bil.
58	CANTON	Gilmore, M.	24 Keith Ave.	Brockton	MA	02301	(508) 588-1327	023-62-7312	9/23/96	Prov.
59	CANTON	Parquette, D.	103 Hart St.	Taunton	MA	02780	(508) 823-7150	024-42-6554	9/24/96	Prov.
60	CANTON	Spano, J.	53 W. Chestnut St.	Brockton	MA	02301	(508) 559-0189	012-56-5039	10/1/96	Prov.
61	CANTON	Kelley, Jr., R.	674 Hancock St.	Abington	MA	02351	(781) 982-9328	033-56-3526	3/25/97	Bil.
62	CANTON	Johnson, Jr. R.	186 Wareham St.	Middleboro	MA	02346	(508) 946-1129	023-48-8251	4/15/97	Prov.
63	CANTON	Choiniere, Jr., R.	52 Prospect St.	Attleboro	MA	02703	(508) 222-5776	026-54-9388	12/30/98	(Prov.)
64	CANTON	Crawford, H.	4 W. Belcher Rd.	Foxboro	MA	02035	(508) 543-2196	013-30-7278	12/31/98	Ret.
65	CANTON	Clark, D.	7 Garden St.	Randolph	MA	02368	(781) 963-5737	032-30-5866	1/3/99	Ret.
66	CANTON	White, A.	95 Harvard St.	Dedham	MA	02026	(781) 326-4327	011-48-6027	8/26/99	
67	CANTON	Kelleher, T.	239 Winter St.	Brockton	MA	02402	(508) 559-5477	020-60-1827	9/15/99	Prov.
68	CANTON	Winkvist, P.	21 Dingley Dell Ln.	Duxbury	MA	02332	(781) 834-5908	003-30-9912	9/17/99	Prov.
69	CANTON	Gould, D.	9 Boxberry Ln.	Rochester	MA	02770	(508) 763-9521	030-50-7782	9/17/99	Prov.
70	CANTON	Morris, T.	24 Lake St.	Rehoboth	MA	02769	(508) 336-6919	037-26-9735	10/28/99	Prov.
71	CANTON	Hamilton, D.	8 Uncatena Rd.	W. Wareham	MA	02576	(508) 295-3979	026-50-3548	11/9/99	Prov.

72	CANTON	Kelley, G.	104 Brentwood Cl.	Plymouth	MA	02360	(508) 224-7012	025-46-1306	12/22/99	Bil.
73	CANTON	Wertz, E.	137 Lawrence St.	Brockton	MA	02302	(508) 588-4847	033-66-8661	12/23/99	Prov.
74	CANTON	Palm, W.	89 Lester St.	Brockton	MA	02301	(508) 586-6682	029-64-9293	11/28/00	Prov.
75	CANTON	Zutaut, Jr. B.	365 Grance Pk.	Bridgewater	MA	02324	(508) 284-3796	032-54-667	12/4/00	Bil.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CRAIG GOULET

Plaintiff,

v.

NEW PENN MOTOR EXPRESS

Defendant

and

TEAMSTERS LOCAL 25

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS**

Defendant,

**CIVIL ACTION
NO. 04-12577-JLT**

CERTIFICATION PURSUANT TO RULE 26(c)

Pursuant to the requirements of F.R.Civ.P. 26(c), the Defendant, Teamsters Local 25 hereby certifies that it conferred in good faith with other affected parties to resolve the dispute without court action.

Respectfully submitted,
Defendant,
**International Brotherhood of
Teamsters, Local 25**
By its attorneys,

/s/ Kathleen A. Pennini
Matthew E. Dwyer
BBO# 139840
Kathleen A. Pennini
B.B.O. # 654573
Dwyer, Duddy and Facklam
Attorneys at Law, P.C.
Two Center Plaza, Suite 430
Boston, MA 02108
617-723-9777

Date: October 7, 2005